

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION

ORDER NO. 79-160

WASTE DISCHARGE REQUIREMENTS FOR:

MARSHLAND DEVELOPMENTS, INC. AND LESLIE SALT COMPANY  
CLASS II-2 SOLID WASTE DISPOSAL SITE  
SAN JOSE, SANTA CLARA COUNTY

The California Regional Water Quality Control Board, San Francisco Bay Region, (hereinafter called the Board) finds that:

1. The Board previously adopted Waste Discharge Requirements as Order No. 73-22 for the Marshland Developments, Inc. Solid Waste Disposal Site which has been operated continuously since 1962 for the disposal of limited categories of Group 2 waste and Group 3 (inert) wastes. The 60 acre site is owned by Leslie Salt Company and operated by Marshland Developments, Inc., hereinafter jointly called the discharger.
2. In February 1979 the discharger submitted an updated Report of Disposal Site Information which included a site closure plan in accord with Resolution No. 77-7. The closure plan includes a stability study and proposes the necessary slope grades, final cover, flood protection, site drainage and monitoring facilities. Closure of the site is tentatively forecast for late 1981. The ultimate use of the area has not yet been determined.
3. Recent consolidation of the City of Alviso into the City of San Jose required Marshland Developments, Inc. to obtain a facilities permit (use permit) for the site. This permit has recently been denied by the City of San Jose. Revised waste discharge requirements are needed at this time. Since the previous requirements are outdated, the site is continuing to operate without a city facilities permit and, due to the short life expectancy, the site may close before further action on the failure to obtain a facilities permit is resolved. The Board finds that it is not contrary to the public interest to adopt this order despite this lack of city approval as the public interest is best served by the adoption of these requirements to assure that water quality concerns are protected. This order is not intended in any way to affect appropriate local land use decisions, nor is it intended to authorize use of the site without appropriate local approvals and permits. This order may be reviewed if additional information on the city's facility permit becomes available.
4. The landfill is located northwest of State Route 237 and Gold Street in the Alviso area of the City of San Jose as shown on Attachment A which is attached hereto and incorporated in the order. The site is within a former tidal marsh area near the southern edge of San Francisco Bay.

5. Poor quality subsurface waters in the shallow and perched water zones are not suitable for beneficial uses. Three higher quality, usable aquifers begin approximately sixty feet below the ground surface. Low permeability clays between the landfill and these aquifers are capable of preventing vertical movement of leachate.
6. Major surface waters in the vicinity of the site include San Tomas Aquino Creek on the western site boundary and Guadalupe River five hundred feet to the northeast. Both creeks enter San Francisco Bay to the North. Soil borings indicate a sand lense which may or may not be continuous between the landfill and San Tomas Aquino Creek in a localized area. Leachate and ground water wells are being installed by the discharger in that area to determine if the lense is continuous and if corrective action is necessary.
7. The beneficial uses of San Tomas Aquino Creek, Guadalupe River and San Francisco Bay are:
  - a. Habitat and resting for waterfowl
  - b. Fish habitat
  - c. Recreation
  - d. Navigation
  - e. Esthetic enjoyment
8. Subsequent to the modifications necessary to comply with this Order, this disposal site will meet the criteria contained in the California Administrative Code, Title 23, Chapter 3, Subchapter 15, for classification of a portion of the site as a Class II-2 disposal site to receive limited Group 2 and Group 3 wastes.
9. The land within 1000 feet of the site is used for salt evaporator ponds, a trailer court, stockyards, industry, Santa Clara Landfill, and railroad tracks.
10. The Board adopted a Water Quality Control Plan for the San Francisco Bay Basin in April 1975 and this Order implements the Water Quality Objectives stated in that Plan.
11. This Board has notified the discharger and interested agencies and persons of its intent to prescribe waste discharge requirements for the discharge and has provided them with an opportunity for a public hearing and an opportunity to submit their written views and recommendations.
12. The Board, in a public meeting, heard and considered all comments pertaining to the discharge.
13. This project involves the continued operation of a privately owned Class II-2 facility with minor alterations to the land. Consequently, this project will not have a significant effect on the environment based upon the exemption provided in Section 15104, Title 14, California Administrative Code. This Board will reconsider this project if any EIR completed in the future identifies adverse water quality impacts and, if necessary, will make appropriate revisions to this Order.

IT IS HEREBY ORDERED that, Marshland Developments, Inc. and Leslie Salt Company and any other person who owns or operates this site, shall comply with the following:

A. Waste Disposal Specifications

1. The disposal of waste shall not cause pollution or a nuisance.
2. Group 2 wastes acceptable at this site shall not be placed in or allowed to contact ponded water from any source whatsoever.
3. Group 1 wastes shall not be stored or deposited at this site.
4. Waste materials shall not be disposed of in any location where they can be carried from the disposal site and discharged into waters of the State.
5. The following Group 2 wastes shall not be deposited at this site.
  - a. Garbage from handling, preparation, processing or serving of food or food products.
  - b. Pesticide containers
  - c. Manure
  - d. Dead animals and portions thereof
  - e. Sewage sludge, septic tank pumpings, or other high moisture content Group 2 wastes.
  - f. Water treatment residue such as solid, organic matter collected on screens and in settling tanks.
6. The discharger shall remove and relocate any wastes which are disposed of at this site in violation of the above requirements.

B. Leachate and Drainage Specifications

1. Leachate from Group 2 wastes and ponded water containing leachate or in contact with refuse shall not be discharged to waters of the State.
2. Water used during disposal site operation shall be limited to a minimal amount reasonably necessary for dust control and fire suppression.
3. The disposal area shall be protected from any washout or erosion of wastes or covering material, and from inundation, which could occur as a result of floods having a predicted frequency of one in 100 years.

4. Vertical and lateral hydraulic continuity with usable ground waters shall be prevented by the presence of a soil barrier above the ground water at least five feet in thickness with a permeability of  $1 \times 10^{-6}$  cm/sec or the equivalent.
5. Surface drainage from tributary areas, and internal site drainage from surface or subsurface sources shall not contact or percolate through group 2 wastes. The perimeter drainage ditches and all other facilities shall be designed to convey maximum anticipated storm runoff, and withstand differential settlement. These facilities shall be constructed over a natural ground or through lined channel or pipes.
6. The discharge of waste shall not cause the following conditions to exist in waters of the State at any place:
  - a. Surface waters

Floating, suspended, or deposited macroscopic particulate matter or foam;

Bottom deposits or aquatic growths;

Alteration of temperature, turbidity, or apparent color beyond present natural background levels;

Toxic or other deleterious substances to be present in concentrations or quantities which will cause deleterious effects on aquatic biota, wildlife or waterfowl, or which render any of these unfit for human consumption either at levels created in the receiving waters or as a result of biological concentration.
  - b. Ground water

Any useable ground water shall not be degraded as a result of the solid waste disposal operation.
7. The migration of methane gas from the disposal site shall be monitored and controlled as necessary to prevent the creation of nuisance. The need for increased methane controls shall be reviewed at any time it is deemed necessary by the Executive Officer.
8. As portions of the site are closed, the exterior surfaces shall be graded to a minimum slope of three percent in order to promote lateral runoff of precipitation and to minimize infiltration of precipitation, in addition, all completed disposal areas shall be covered with a minimum of three feet of uncontaminated material, one foot of which is compacted to attain a permeability no greater than  $1 \times 10^{-6}$  cm/sec.

C. Closure Specifications

1. This site shall be operated and closed in compliance with this Board's Resolution 77-7 and in accordance with the closure report, Report of Disposal Site Information: Marshland Development Company Disposal Site, San Jose, California, dated January 1979 and the supplemental letter of June 14, 1979.

D. Provisions

1. For the existing disposal areas, the discharger shall comply with all portions of this Order except Specifications B.3, B.4, B.5, B.7 and C.1.
2. The discharger shall comply with the following time schedules to ensure compliance with Specification B.3 and B.5.

<u>Task</u>	<u>Compliance Report Due Date</u>
Submit conceptual plan	January 15, 1980
Progress Report I	May 1, 1980
Progress Report II	July 1, 1980
Full Compliance	November 1, 1980

3. The discharger shall submit a status report of compliance with Specification B.4 no later than January 15, 1980. If compliance is not demonstrated then, a technical plan and time schedule to achieve compliance shall be submitted by that date. Full compliance shall be achieved no later than November 1, 1980.
4. On December 1, 1980, the discharger shall submit a status report of closure activity and compliance with Specification C.1.A. time schedule for achieving full compliance shall also be submitted at that time.
5. By May 30, 1980, the discharger shall demonstrate compliance with Specification B.7, or shall provide a technical plan and time schedule for achieving compliance.
6. All technical reports and plans required as a part of this Order shall be prepared by a registered engineer or certified engineering geologist.
7. The discharger shall maintain a copy of the Order at the site or office so as to be available at all times to site operating personnel.
8. The discharger shall file with this Board a report of any material change or proposed change in the character, location or quantity of this waste discharge or the closure plan for the site. For the purpose of these requirements, this includes but is not limited to any proposed change in the boundaries, contours or ownership of the disposal area. Any change may require revision of this Order by the Board.
9. This Board considers the property owner to have a continuing responsibility for correcting any problems which may arise in the future as a result of this waste discharge or water applied to this property during subsequent use of the land for other purposes.

10. The discharger shall file with the Board technical reports on self-monitoring work performed according to the detailed specifications contained in any Monitoring and Reporting Program which may be directed by the Executive Officer.
11. The discharger shall permit the Regional Board:
  - a. Entry upon premises on which waste are located or in which any required records are kept,
  - b. Access to copy any records required to be kept under terms and conditions of this Order,
  - c. Inspection of monitoring equipment or records, and
  - d. Sampling of any discharge.
12. This Board's Resolution No. 73-22 is hereby rescinded.

I, Fred H. Dierker, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on **December 18, 1979.**

FRED H. DIERKER  
Executive Officer

Enclosure:  
Attachment A - Map

